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## FREEDOM IN THE WORLD

0

## Zimbabwe

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## RATINGS CHANGE:

Zimbabwe's political rights rating improved from 6 to 5 due to a decline in harassment and violence against political parties and opposition supporters during the 2013 elections.

## OVERVIEW:

A new constitution passed with approximately 95 percent in favor in a March referendum that saw a record turnout, and was approved by parliament and signed by President Robert Mugabe in May. The new charter paved the way for elections that would the end of the Government of National Unity (GNU, or the "inclusive government") between Mugabe's Zimbabwe African National Union–Patriotic Front (ZANU-PF) and two factions of the Movement for Democratic Change (MDC). The GNU—in which Mugabe served as president and MDC-T leader Morgan Tsvangirai served as prime minister—had been formed in late 2008 to bring to an end an outbreak of severe political violence, mostly targeting MDC supporters, that had followed a contested first-round 2008 presidential vote.

Exploiting their influence over the judiciary, Mugabe and ZANU-PF secured a presidential and parliamentary election date of July 31 despite a deeply flawed voter roll, an underresourced and biased electoral commission, and incomplete media and security sector reforms called for in the new constitution. According to the Zimbabwe Electoral Coalition (ZEC), Mugabe won the presidential vote with 61 percent of the vote, with 34 percent going to Tsvangirai. Meanwhile, ZANU-PF took 197 of the 270 seats in the House of Assembly. While voting day was largely peaceful, the run-up saw crackdowns on civil society and some independent media. Pro-ZANU-PF security forces and militias were deployed to intimidate voters in swing provinces such as Masvingo and Manicaland and to "encourage" turnout in provincial strongholds like Mashonaland and Midlands. Observers from the African Union (AU) and the Southern African Development Community (SADC) endorsed the results as reflective of the people's will, but also cited some irregularities. Tsvangirai and the MDC-T accused ZANU-PF of vote rigging but abandoned a legal challenge

## 2014 SCORES

STATUS

Not Free

FREEDOM RATING  
(1 = BEST, 7 = WORST)

5.5

CIVIL LIBERTIES  
(1 = BEST, 7 = WORST)

6

POLITICAL RIGHTS  
(1 = BEST, 7 = WORST)

5

of the results in August. Mugabe was sworn in on August 22, and the new parliament was sworn in on September 17.

In September, the European Union (EU) lifted sanctions on the state-owned diamond mining firm Zimbabwe Mining Development Corporation, despite allegations by both domestic and international nongovernmental organizations (NGOs) that the company's resources may have been used to fund parts of ZANU-PF's election campaign. The following month the EU allowed exports of diamonds from mines in the Marange fields, echoing a 2011 decision by the Kimberley Process—an international mechanism designed to prevent the use of diamonds to fund armed conflicts—to lift a suspension of Zimbabwean diamond exports from a number of mines in Marange due to improvements in labor conditions and transparency. Nonetheless, it is clear that some of the mines are controlled by security forces or powerful generals closely tied to the ruling party, and a November 2012 report by Partnership Africa Canada alleged that at least \$2 billion in diamonds had been stolen from Marange by military and government officials. Although the EU removed many other sanctions on Zimbabwean individuals and businesses after the constitutional referendum, it retained a small number. The United States retained targeted sanctions, including travel restrictions and asset freezes on Mugabe and other senior ZANU-PF figures, as well as restrictions on the Zimbabwe Mining Development Corporation—which owned the Marange fields—and other firms.

## POLITICAL RIGHTS AND CIVIL LIBERTIES:

### **Political Rights: 12 / 40 (+1) [Key]**

#### **A. Electoral Process: 3 / 12**

The March 2013 constitutional referendum was deemed credible by a range of domestic and outside observers, although the vote was preceded by a widespread crackdown on prodemocracy civil society. The new constitution included a Declaration of Rights (including a range of basic political and civil rights), limited the president to two five-year terms, eliminated the post of prime minister, removed the presidential power to veto legislation and dismiss parliament, devolved some powers to provinces and retained Zimbabwe's bicameral legislature, but failed to introduce reforms to the heavily politicized security sector. The term limit was not retroactive, however, giving Mugabe—who has been the country's president since its independence in 1980—the chance to serve two more terms. It also empowered the president's party, and not parliament, to select a presidential successor in the case of a death in office, a critical provision given that Mugabe turned 89 in early 2013.

The 210 members of the lower House of Assembly are elected by proportional representation (which must include 60 women until the 2023 election), while the 80-member Senate includes 6 members elected from each of the 10 provinces and 20 appointments, including 18 traditional leaders and 2 members representing the disabled.

Although less violent than the 2008 elections, the July 2013 presidential and parliamentary elections were marred by serious irregularities, especially an outdated and incomplete voter roll riddled with hundreds of thousands of “ghost voters.” According to the ZEC, over 300,000 voters were rejected at the polls over registration issues, and the Zimbabwe Election Support Network (ZESN)—a domestic observer group—claims that up to 1 million voters were omitted from the roll and/or turned away at the polls. The Electoral Amendment Act in September 2012 had reconstituted the ZEC with new, more independent commissioners, but the president and much of the staff remained partisan, and two of the new commissioners resigned after the July vote, casting doubt on the integrity of the ZEC and its handling of the 2013 election. According to a number of independent political analysts, electoral irregularities ultimately had a greater impact on parliamentary results than on the presidential election, although both were affected. Voting by Zimbabwe’s substantial expatriate community was not allowed.

#### **B. Political Pluralism and Participation: 6 / 16 (+1)**

State-sponsored political violence against the political opposition is a serious and chronic problem, although violence was much less severe in 2013 than in previous election years, especially in the post-election period. In general, MDC politicians, activists, and supporters were still subject to harassment, assault, and occasional arbitrary detention by security forces, militias, and supporters of ZANU-PF. Some attacks were also perpetrated by affiliates of the MDC. According to the Zimbabwe Human Rights NGO Forum, between July and September 2013, 66 percent of political violence cases targeted MDC-T supporters, the victims of 31 percent of cases had unknown party affiliations, 2 percent targeted other MDC formations, and 1 percent targeted ZANU-PF supporters.

In a June report, Human Rights Watch accused the army of deploying troops to threaten, and in some cases attack, potential MDC supporters or government critics; it also alleged that the army exploited channels such as food-aid distribution and education projects to campaign for ZANU-PF in communities across the country. Traditional leaders—especially in more rural provinces like Mashonaland Central, Mashonaland West, Mashonaland East, Manicaland, and the Midlands provinces—were often “encouraged” to ensure their villages voted for ZANU-PF under the threat of collective retribution. In December 2012, 24 of 29 MDC members who had been detained for 19 months on charges of murdering a Harare policeman were released on bail, and 21 were acquitted of the charge in September 2013.

The new constitution failed to introduce greater civilian control over or require the professionalization of the highly partisan security forces. As such, both the Joint Operations Command, composed of the heads of the security services, and the Central Intelligence Organization (CIO) remain closely tied presidency and free of any concrete or enforceable regulation by the legislature or bureaucracy. The JOC continues to play a central role in government decision-making.

**C. Functioning of Government: 3 / 12**

Historically, Zimbabwe had a much more professional and less corrupt civil service than most other countries in sub-Saharan Africa. Since 2000, however, corruption has become endemic, including at the highest levels of government. The collapse in public-service delivery and the politicization of food and agricultural aid has made the problem ubiquitous at the local level. In November 2013, Comptroller and Auditor General Mildred Chiri reported widespread abuse of state resources across a range of government ministries in 2011, including hundreds of thousands of dollars of unaccounted-for expenditures by both the presidency and the office of then prime minister Tsvangirai. The Zimbabwe Revenue Authority in October 2013 said the country lost about \$2 billion to corruption in 2012. The Zimbabwe Anti-Corruption Commission was enshrined in the new constitution, although its enforcement powers remain unclear. Zimbabwe was ranked 157 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index.

**Civil Liberties: 16 / 60 (+2)****D. Freedom of Expression and Belief: 6 / 16**

Freedom of the press is restricted. Although the new constitution's Declaration of Rights protects freedom of the media and of expression, the country's draconian legal framework—including the Access to Information and Protection of Privacy Act, the Official Secrets Act, the Public Order and Security Act (POSA), and the Criminal Law (Codification and Reform) Act—has yet to be reformed. In general, these laws restrict who may work as a journalist, require journalists to register with the state, severely limit what they may publish, and mandate harsh penalties, including long prison sentences, for violators. In May, Dumisani Muleya, the editor of the weekly *Zimbabwe Independent*, and the paper's chief reporter, Owen Gagare, were arrested, detained for seven hours, and charged under the Criminal Law (Codification and Reform) Act (CLCRA) after the newspaper reported that Tsvangirai had met secretly with officials from the security forces. Journalists covering both ZANU-PF and MDC were occasionally threatened and beaten during the election campaign (including at least four in the month of June, according to the Committee to Protect Journalists), while a number of journalists from independent media were briefly detained during campaign rallies and on election day for various public safety offenses, restricting coverage. Freedom of expression received a significant boost in October when the Constitutional Court ruled that CLCRA provisions which criminalize undermining the authority of the president and publishing falsehoods detrimental to the state are unconstitutional and cannot be used to prosecute offenders.

The government continues to dominate the broadcast sector via the state-controlled Zimbabwe Broadcasting Corporation (ZBC) and the NewZiana news agency. Access to international news via satellite television is prohibitively expensive for most Zimbabweans. Ahead of the March constitutional referendum, police announced a

ban on the possession of “specially designed radios,” apparently targeted at hand-cranked and solar-powered radios distributed by NGOs and used to access expatriate radio stations like Radio Voice of The People, Studio 7, and Short Wave Radio Africa. Devices were confiscated during a number of raids, including a March raid on the offices of Radio Dialogue in Bulawayo. Election-day coverage was biased in favor of ZANU-PF. According to the Media Monitoring Project of Zimbabwe, 90 percent of the coverage of MDC across new outlets that day was negative. The Broadcasting Authority of Zimbabwe (BAZ) issued two new radio licenses in 2012, one for Star FM and the other for ZIFM Stereo, both of which are affiliated with ZANU-PF. In October 2013, BAZ invited applications for private radio licenses in 25 new areas; some media advocacy groups claim the government intends to again award licenses only to pro-ZANU-PF outlets to try to crowd out competition from the generally antigovernment shortwave broadcasters. The government had yet to license a single private television broadcaster by year’s end. Internet access and use (especially from mobile devices) has expanded rapidly in recent years. Internet content is rarely blocked or filtered, though various ruling party officials publicly expressed a desire and intent to do so as access expands.

While freedom of religion has generally been respected in Zimbabwe, church attendance has become increasingly politicized. In the 2000s, some religious groups and individual pastors faced harassment and arrest. The mainstream Anglican Church was one of the churches most affected by political struggles, culminating in a November 2012 Supreme Court ruling that returned control of Anglican Church properties to Bishop Chad Gandiya of Harare. The ruling ended a six-year campaign by excommunicated pro-Mugabe bishop Nolbert Kunonga to seize the sites. Religious communities were somewhat less affected by political struggles in 2013.

While academics rank among the regime’s most vociferous critics, academic freedom is somewhat limited. Mugabe serves as the chancellor of all eight state run-universities, and the ZANU-PF-controlled Ministry of Higher Education supervises education policy at the universities. In 2013, the Progressive Teachers Union of Zimbabwe accused ZANU-PF supporters of intimidating teachers in rural areas to pledge their support to the party and claimed that teachers from the rival, ZANU-PF-linked Zimbabwe Teacher’s Association were complicit in political indoctrination. Education aid has often been based on parents’ political loyalties. Security forces and ZANU-PF thugs harass dissident university students, who have been arrested or expelled for protesting against government policy.

#### **E. Associational and Organizational Rights: 3 / 12**

Freedom of assembly is limited. The 2002 POSA requires police permission for public meetings and demonstrations and allows police to impose arbitrary curfews and forbids criticism of the president. The nongovernmental sector is active and professional, but NGOs are regularly subject to legal restrictions under POSA, the Criminal Law (Codification and Reform) Act, and the Private Voluntary Organisations Act. This legislation is often implemented in a partisan manner. In addition to legal harassment,

NGOs, human rights lawyers, and civil society workers face extralegal harassment and arbitrary arrest by security services. The lead-up to the March referendum saw significant crackdowns on civil society organizations, including raids on over a dozen of Zimbabwe's most prominent NGOs in which files and equipment were confiscated and leaders arrested. In January, Saviour Kasukuwere, then minister for youth and indigenization, declared that all youth organizations must be registered with the government's Zimbabwe Youth Council or be banned; that same month, over 40 members of the National Youths for Democracy Trust were arrested in Bulawayo during a voter registration campaign. Following the referendum, four employees from the prime minister's office and a lawyer for two of them, prominent human rights attorney Beatrice Mtetwa, were detained during a raid, held for a week, and charged with a variety of offenses. Mtetwa was acquitted in November of "defeating or obstructing the course of justice."

The Labor Relations Act allows the government to veto collective-bargaining agreements that it deems harmful to the economy. Strikes are allowed except in "essential" industries. Because the Zimbabwe Congress of Trade Unions (ZCTU) has led resistance to Mugabe's rule, it has become a particular target for repression. In recent years, Gertrude Hambira, secretary general of the General Agriculture and Plantation Workers' Union, has also been subject to focused harassment by the authorities. The ZCTU vocally rejected the 2013 elections results, citing pre-election violence and intimidation and flawed voter rolls.

#### **F. Rule of Law: 2 / 16 (+1)**

Pressure from the executive branch has substantially eroded judicial independence. The Constitutional Court's May 2013 ruling that elections had to be held by July 31 was largely considered to be a product of political interference by Mugabe and ZANU-PF, which favored an earlier election date. The Constitutional Court also ruled the elections were free and fair in the face of evidence to the contrary. Although the new constitution creates an independent prosecutorial authority and includes a range of criminal rights, the accused are often denied access to counsel and a fair, timely trial, and the government has repeatedly refused to enforce court orders. It has also replaced senior judges or pressured them to resign by stating that it could not guarantee their security; judges have been subject to extensive physical harassment. Vacancies for scores of magistrate posts have caused a backlog of tens of thousands of cases.

The GNU and the new constitution failed to introduce greater civilian control over or require the professionalization of the highly partisan security forces. Both the Joint Operations Command—which is composed of the heads of the security services and plays a central role in government decision-making—and the Central Intelligence Organization remain closely tied to the presidency and free of any concrete or enforceable regulation by the legislature or bureaucracy.

Security forces abuse citizens with impunity, often ignoring basic rights regarding detention, searches, and seizures. The government has taken no clear action to halt

the incidence of torture and mistreatment of suspects in custody. Formed in 2009 as part of the agreement that created the GNU, the Joint Monitoring and Implementation Committee helped expose abuses of power by security forces, but the body had almost no enforcement powers and was formally disbanded after the swearing in of the new government in September 2013.

Lengthy pretrial detention remains a problem, and despite some improvements in recent years, prison conditions remain harsh and sometimes life-threatening. Zimbabwe's 72 prison facilities house more than 17,500 prisoners, and overcrowding, poor sanitation, and food shortages have contributed to HIV and tuberculosis infections and other illnesses among inmates.

The Declaration of Rights contained in the new constitution is considered an improvement because it guarantees equal treatment of citizens under the law. The new constitution gives those arrested the rights to contact relatives and advisors; visitors; to be informed of their rights; and released after 48 hours unless court ordered to remain detained, although these rights are rarely respected in practice.

#### **G. Personal Autonomy and Individual Rights: 5 / 16 (+1)**

The state has extensive control over travel and residence. The government has seized the passports of its domestic opponents, and foreign critics are routinely expelled or denied entry. High passport fees inhibit legal travel. At the same time, badly underfunded immigration and border authorities lack the capacity to effectively enforce travel restrictions. In a positive development, the new constitution gives citizenship rights back to Zimbabwean nationals born to foreign parents; these nationals were stripped of automatic citizenship by an amendment to the Citizenship Act in 2001. Aside from a brief period surrounding the election, travel within the country is freer of roadblocks by security forces, and foreign travelers are subject to less harassment upon leaving and entering the country.

Property rights are not respected. Operation Murambatsvina in 2005 entailed the eviction of hundreds of thousands of city dwellers and the destruction of thousands of residential and commercial structures, many of which had been approved by the government. Despite a government resettlement program called Operation Garikai, by 2013 the majority of victims still lacked adequate housing and had no means of redressing the destruction of their property. Most victims have moved into existing, overcrowded urban housing stock or remained in rural areas. In rural areas, the nationalization of land has left both commercial farmers and smallholders with limited security of tenure, and the lack of title to land means that they have little collateral to use for bank loans.

The 2007 Indigenization and Economic Empowerment Act, which stipulates that 51 percent of shares in all companies operating in Zimbabwe must be owned by black Zimbabweans, came into effect in 2010. Although details concerning the implementation and enforcement of the law remained murky, by 2012 nearly every foreign-owned mining company had submitted an indigenization plan to the government and most had been

approved by year end 2013. After the election, the government indicated it would press ahead with the indigenization of banks and foreign owned shops, although the policy was not implemented by year's end. Fewer than 400 white-owned farms remain out of the 4,500 that existed when land invasions started in 2000, and any avenues of legal recourse for expropriated farmers have been closed.

Women enjoy extensive legal protections, but societal discrimination and domestic violence persist. Women serve as ministers in national and local governments and the 2013 constitution mandates that for the two parliamentary elections following its adoption, at least 60 of the 270 House of Assembly seats be allocated to women. The World Health Organization has reported that Zimbabwean women's "healthy life expectancy" of 34 years is the world's shortest, largely due to the country's HIV prevalence rate, which remains one of the highest in the world. Sexual abuse is widespread, and past election periods have seen rape used as a political weapon. Female members of the opposition often face particular brutality at the hands of security forces. The prevalence of customary laws in rural areas undermines women's civil rights and access to education. About one-third of Zimbabwean girls do not attend primary school and two-thirds do not attend secondary school due to poverty, abuse, and discriminatory cultural practices.

Sex between men is a criminal offense and can be punished with a fine and up to a year in prison. Mugabe has been vocal in his opposition to homosexuality and LGBT groups have been subject to regular harassment by security forces.

**Scoring Key: X / Y (Z)****X = Score Received****Y = Best Possible Score****Z = Change from Previous Year**[Full Methodology](#)[About us](#)[Careers](#)[Contact Us](#)[Privacy Policy](#)[Credits](#)[Sitio de Freedom House México en español](#)[Freedom House Mexico Website \(in Spanish\)](#)[Subscribe](#)